



03500.010106.5.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: TOSHIKAZU OHNISHI ET AL. )  
: Application No.: 10/615,995 )  
: Filed: July 10, 2003 )  
: For: ELECTRON-EMITTING DEVICE, )  
: ELECTRON SOURCE, AND )  
: IMAGE-FORMING APPARATUS )  
: (AS AMENDED) )

Examiner: J. Williams  
Group Art Unit: 2879  
**RECEIVED**  
**AUG 02 2004**  
**OFFICE OF PETITIONS**

July 26, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM  
ISSUE UNDER 37 C.F.R. §1.313(c)(2) -ISSUE FEE PAID

Sir:

Applicants hereby petition the Commissioner pursuant to 37 C.F.R. §1.313(c)(2) to withdraw the above-identified application from issue. A Request for Continued Examination (RCE) pursuant to 37 C.F.R. § 1.114 is submitted concurrently herewith. The issue fee for this application has been paid.

Applicants request that this application be withdrawn from issue for consideration of the information cited in the Information Disclosure Statement (IDS) filed concurrently herewith. The IDS cites documents which recently have been made of record in parent Application No. 09/332,101 in the Notice of References Cited that was part of

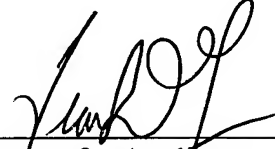
Paper No. 20040626 in the parent application. Applicants understand that, pursuant to 37 C.F.R. § 1.98(d) and M.P.E.P. § 609, the Examiner should consider the art of record in the parent Application if he has not already done so, including the art cited in the mentioned Notice of References Cited. To confirm that those references have been considered, and because the Examiner of the present application is not the same as the examiner of the parent Application, Applicants are submitting this Petition.

Accordingly, in order to confirm that the cited references have been (or will be) considered and made of record in this application, Applicants respectfully request that this application be withdrawn from issue in favor of the RCE.

Because the cited information should have been considered by the Examiner pursuant to 37 C.F.R. § 1.98(d) and M.P.E.P. § 609 during prosecution of the present application, it is believed that Applicants should not be charged for the RCE fee (\$770.00) and petition fee (\$130.00) under 37 C.F.R. § 1.17(h). Nonetheless, if the U.S. Patent and Trademark Office deems that such fees are required in connection herewith, the Commissioner is hereby authorized to charge any such fees which may be required to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. DeLucia', is written over a horizontal line.

Attorney for Applicants  
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